

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

ED-774
CD

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-33 (Sub-No. 246X)

January 9, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

☒ (X) Notice of Exemption ☐ () Petition for Exemption ☐ () Regulated Abandonment

☐ () **NO NEW COMMENTS WERE RECEIVED**

☒ (X) **NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on December 21, 2007, for public review and comment. In the EA, SEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

As noted in the EA, the Texas Parks and Wildlife Department (TPWD) reviewed the proposed abandonment and expressed concerns regarding possible impacts to vegetation and migratory birds. Accordingly, SEA recommended that, prior to the commencement of any salvage activities, Union Pacific Railroad Company (UP) comply with TPWD's specific recommendations pertaining to salvage activities on the proposed project. After the issuance of the EA, UP submitted a letter requesting that Condition Number 2 be modified to read as follows: "UP shall consult with TPWD and comply with those mitigation measures deemed necessary by TPWD after completion of the survey of the project area by or on behalf of UP pertaining to salvage activities on this proposed project."

SEA believes that UP's requested modification, for the most part, is reasonable. Accordingly, we recommend the following modified language for Condition Number 2:

Prior to commencement of any salvage activities, Union Pacific Railroad Company (UP) shall: 1) consult with the Texas Parks and Wildlife Department (TPWD) and comply with those mitigation measures deemed necessary by TPWD after completion of a survey of the project area by or on behalf of UP and 2) consult with TPWD and the U.S. Fish and Wildlife Service (Region 2) in order to ensure that removal and salvage activities are conducted in a manner that avoids or minimizes impacts to migratory birds and vegetation. Prior to commencement of any salvage activities, UP shall report the results of these consultations to the Board's Section of Environmental Analysis.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the conditions recommended in the EA, as modified by the recommendations in this document, should be imposed upon any decision granting abandonment authority. The conditions are:

1. Union Pacific Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
2. Prior to commencement of any salvage activities, Union Pacific Railroad Company (UP) shall: 1) consult with the Texas Parks and Wildlife Department (TPWD) and comply with those mitigation measures deemed necessary by TPWD after completion of a survey of the project area by or on behalf of UP and 2) consult with TPWD and the U.S. Fish and Wildlife Service (Region 2) in order to ensure that removal and salvage activities are conducted in a manner that avoids or minimizes impacts to migratory birds and vegetation. Prior to commencement of any salvage activities, UP shall report the results of these consultations to the Board's Section of Environmental Analysis.

If the above conditions are imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 246X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WALKER COUNTY, TEXAS
(HUNTSVILLE INDUSTRIAL LEAD)**

**Comments of Union Pacific Railroad Company in Response to the
Surface Transportation Board—Section of Environmental Analysis—
Environmental Assessment, Served December 21, 2007**

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**Dated: January 7, 2008
Filed: January 7, 2008**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 246X)

**UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN WALKER COUNTY, TEXAS
(HUNTSVILLE INDUSTRIAL LEAD)**

**Comments of Union Pacific Railroad Company in Response to the
Surface Transportation Board—Section of Environmental Analysis—
Environmental Assessment, Served December 21, 2007**

Union Pacific Railroad Company ("UP") provides these comments in response to the Environmental Assessment ("EA") served by the Surface Transportation Board's Section of Environmental Analysis ("SEA") on December 21, 2008. The SEA served its EA in response to UP's Environmental and Historic Report ("EHR") and related feedback received from various governmental agencies. UP filed its EHR on October 1, 2007, in connection with its proposed abandonment of its Huntsville Industrial Lead (the "Line"), located in Walker County, TX.

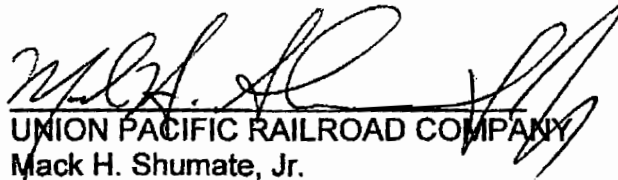
The Texas Parks and Wildlife Department ("TPWD") commented on UP's proposed abandonment of the Line, and requested that the SEA impose a condition upon UP's salvage and removal of the Line to implement certain potential mitigation measures, including a prohibition on all salvage activities

from April 1 through July 15 (recommendation 3), and a ban on activities occurring within 100 meters of any raptor nest during the February 1 to July 15 nesting season (recommendation 5). UP fully intends to comply with all of the mitigation measures which are determined to be necessary by the TPWD after completion of a survey of the Project Area as requested by the TPWD.

Therefore, UP requests that the second condition be modified in part to read as follows, "2. Prior to commencement of any salvage activities, Union Pacific Railroad Company (UP) shall: 1) consult with the Texas Parks and Wildlife Department (TPWD) and comply with those mitigation measures deemed necessary by TPWD after completion of the survey of the Project Area by or on behalf of UP pertaining to salvage activities on this proposed project, and 2)...."

Abandonment-related salvage activities on the Line will be limited to removal of rails, crossties, and possibly the upper layer of ballast in the roadbed. These activities are similar in nature and scope to routine maintenance and track renewal activities that UP performs on lines across its railroad network, including past maintenance activities on the Huntsville Industrial Lead, and UP will confine work activities associated with the Line's salvage to its own right-of-way, which is approximately 150 feet wide. Restrictions of any kind on salvage activities may be unnecessary, should the survey of the Project Area show that no migratory birds are in close proximity to the Line.

UP therefore respectfully requests that the SEA modify its EA as requested above.



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